

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO

1:20 CV 1544

UNITED STATES OF AMERICA  
[UNDER SEAL],

Relators,

v.

[UNDER SEAL],

Respondents.

)  
)  
)  
)  
)  
)  
)  
)  
)  
)

Civil Action No:

JUDGE

COMPLAINT

JUDGE OLIVER

FILED IN CAMERA AND  
UNDER SEAL PURSUANT TO  
31 U.S.C. §3730(b)(2)

MAG. JUDGE PARKER

DOCUMENT TO BE KEPT UNDER SEAL  
DO NOT ENTER ON PACER

FILED  
JUL 13 2020  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
CLEVELAND

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO

UNITED STATES OF AMERICA, *ex rel.*

TIFFANY MEYER  
3386 Charles St.,  
Cuyahoga Falls, OH 44221

and

TYREEK SMALL  
3386 Charles St.,  
Cuyahoga Falls, OH 44221

Relator,

v.

THRIVE PEER SUPPORT, LLC  
3637 South Green Rd, Ste 3G  
Beachwood, Ohio 44122

THRIVE BEHAVIORAL HEALTH  
CENTER, INC.  
c/o Bridgette M. Lewis  
600 Superior Ave. Suite 1300  
Cleveland, OH 44114

NICOLE WORTHEY  
4401 Kingsford Ave,  
Cleveland, OH 44128

Respondent.

CASE NO.:

1:20 CV 1544

JUDGE

JUDGE OLIVER

COMPLAINT FOR VIOLATION OF THE  
FEDERAL FALSE CLAIMS ACT [31  
U.S.C. Section 3729 et seq.] AND FOR  
MONEY DAMAGES

[DO NOT SERVE]

FILED IN CAMERA AND UNDER SEAL  
PURSUANT TO 31 U.S.C. § 3730(b)(2)

JURY TRIAL DEMANDED

MAG. JUDGE PARKER

FILED  
JUL 13 2020  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
CLEVELAND

This is a *qui tam* action by Relators Tiffany Meyer and Tyreek Small, for themselves and on behalf of the United States, to recover damages and civil penalties arising from Respondents Thrive Peer Support, LLC, Thrive Behavioral Health Center Inc., (collectively "Thrive") and Nicole Worthey knowingly presenting or causing to be presented false claims for payment or approval to the United States.

### **THE PARTIES**

1. Relator Meyer is a resident of Ohio and a United States citizen, who is a United Healthcare Community Plan Ohio Medicaid beneficiary, who sought peer recovery support services from Thrive. Thrive assigned to her Peer Recovery Specialist Nicole Worthey, who fraudulently billed Ohio Medicaid for over \$45,065.55 of peer recovery support services she falsely stated she rendered to Relator Meyer.

2. Relator Small is a resident of Ohio and a United States citizen. Relator Small is Relator Meyer's fiancé and discovered Nicole Worthey's fraudulent billing when reviewing Relator Meyer's United Healthcare Community Plan online profile.

3. Respondent Thrive is a behavior health service company, which provides peer recovery support services to persons with mental health conditions and substance use disorders. Thrive operates out of offices in Cleveland, Columbus, and Dayton.

4. Nicole Worthey is a resident of Ohio and a United States citizen, who Thrive employs as a supervisor and Peer Support Specialist. She has a prior criminal history of fraud and identity theft.

### **JURISDICTION AND VENUE**

5. This action arises under the False Claims Act, 31 U.S.C. § 3729 *et seq.*

6. Jurisdiction over this action is vested in this Court by 31 U.S.C. § 3732(a) and 28 U.S.C. § 1331, in that this action arises under the laws of the United States.

7. Venue is proper in this district under 31 U.S.C. § 3732(a) and under 28 U.S.C. §§ 1391(b) and 1391(c). The Respondents can be found, reside, and transacts business within the district, and the acts proscribed by the False Claims Act occurred within the district.

**THE FALSE CLAIMS ACT**

8. The FCA was originally enacted during the Civil War. Congress substantially amended the Act in 1986 – and, again, in 2009 and 2010 – to enhance the ability of the United States Government to recover losses sustained due to fraud.

9. The Act imposes liability upon any person who: (A) “knowingly presents, or causes to be presented, a false or fraudulent claim for payment of approval” or (B) “knowingly makes, uses, or causes to be made or used, a false record or statement material to a false or fraudulent claim.” *31 U.S.C. § 3729 (a)(1)(A)(B) (2009)*.

10. “Claim” is defined as “any request or demand, whether under a contract or otherwise, for money or property and whether or not the United States has title to the money or property, that – (i) is presented to an officer, employee, or agent of the United States; or (ii) is made to a contractor, grantee, or other recipient, if the money or property is to be spent or used on the Government’s behalf or to advance a Government program or interest, and if the United States Government – (I) provides or has provided any portion of the money or property requested or demanded; or (II) will reimburse such contractor, grantee, or other recipient for any portion of the money or property which is requested or demanded.” *31 U.S.C. § 3729(b)(2)(A) (2009)*.

11. A violation occurs when any person “. . . knowingly conceals or knowingly and improperly avoids or decreases an obligation to pay or transmit money or property to the Government.” *31 U.S.C. § 3729(a)(1)(G) (2009)*.

12. “Obligation” is defined to include: “an established duty, whether or not fixed, arising from an express or implied contractual, grantor-grantee, or licensor-licensee

relationship, from a fee-based or similar relationship, or from the retention of any overpayment.” *31 U.S.C. § 3729(b)(3) (2009)*.

13. Any person who violates the Act is liable for a civil penalty of between \$5,500 and \$11,000 for each false or fraudulent claim on or before November 2, 2015; and \$10,781 and \$21,563 for each false or fraudulent claim after November 2, 2015; plus, three times the damages sustained by the United States.

### **ALLEGATIONS REGARDING RESPONDENTS’ WRONGDOING**

#### **Peer Recovery Support Services in Ohio**

14. The Ohio Department of Mental Health and Addiction Services (OhioMHAS) regulates and governs the provision of peer recovery support services for individuals with a mental illness or substance use disorder.

15. Peer recovery support services are community-based services for individuals with a mental illness or substance use disorder, and consist of activities that promote recovery, self-determination, self-advocacy, well-being, and independence.

16. A “certified peer recovery supporter” is an individual, with a direct lived experience, who has self-identified as being in recovery from a mental illness health or substance use disorder and has been certified by OhioMHAS.

17. OhioMHAS certified peer recovery supporters must be supervised by a qualified individual. They must be supervised by an individual who is licensed social worker, counselor, therapist, psychologist, psychiatrist, or an individual who has been delivering peer services for five years. All supervisors complete a sixteen-hour online e-based academy course offered by OhioMHAS and a four hour in-person supervising peers training by OhioMHAS recovery support staff.

**Ohio Medicaid Coverage of Peer Recovery Support Services in Ohio**

18. Ohio Administrative Code 5160-43-04(C) states peer recovery support services are an Ohio Medicaid covered service. According to it, peer recovery support services include:

- (a) Assisting the individual with accessing and developing natural support systems in the community;
- (b) Attending and participating in care team meetings;
- (c) Conducting outreach to connect individuals with resources;
- (d) Coordinating and/or assisting in crisis interventions and stabilization as needed;
- (e) Developing and working toward achievement of the individual's personal recovery goals;
- (f) Facilitating development of daily living skills;
- (g) Modeling personal responsibility for recovery;
- (h) Promoting coordination among similar providers;
- (i) Providing group facilitation that addresses symptoms, behaviors, and thought processes to assist an individual in eliminating barriers to seeking and maintaining recovery, employment, education, and housing;
- (j) Supporting individuals in achieving personal independence as identified by the individual; and
- (k) Teaching skills to effectively navigate the health care delivery system to utilize services.

19. According to OAC 5160-43-04(C)(2), the following activities are not payable under peer recovery support services:

- (a) Assistance with activities of daily living as defined in rule OAC 5160-3-05 of the Administrative Code;
- (b) Management of medications; and
- (c) Performance of activities covered under other services.

20. According to OAC 5160-43-04(C)(3), to be a provider and submit a claim for payment of peer recovery support services, the provider delivering the service must meet all of the following requirements:

- (a) Comply with all rules set forth in this chapter and Chapter 5160-27 of the Administrative Code;
- (b) Request payment for the provision of services in accordance with rule 5160-27-05 of the Administrative Code;
- (c) Be certified by OhioMHAS under section 5119.36 of the Revised Code;

- (d) Not be the individual's legally responsible family member, as defined in rule 5160-43-01 of the Administrative Code;
- (e) Be identified as the provider and have specified on the individual's person-centered care plan, that is prior approved by ODM or its designee, the number of hours the provider is authorized to furnish services to the individual;
- (f) Provide services that are supported by an identified need or recovery goal in a manner that supports and respects the individual's communication needs including translation services, and/or assistance with communication devices;
- (g) Not provide peer recovery support activities simultaneously with other rehabilitation services available under the state plan; and
- (h) Be supervised by other senior peers or non-peer staff that have been certified to supervise peers and receive regularly scheduled clinical supervision from a person meeting the qualifications of a behavioral health professional with experience regarding this specialized behavioral health service.

21. According to OAC 5160-43-04(C)(4), all peer recovery support service providers must keep a record for each individual served that contains at a minimum:

- (a) A copy of the current person-centered care plan; and
- (b) Documentation of each service interaction including the duration peer recovery support was provided.

22. According to OAC 5160-43-08 payment rates for peer recovery support services may be found in OAC 5160-1-60. In accordance with OAC 5160-1-60, Ohio Department of Medicaid published on November 27, 2019 a "Medicaid Behavioral Health State Plan Services Provider Requirements and Reimbursement Manual" which provides the following rates for peer recovery support services:

Substance Use Disorder Peer Recovery Support					
Service	Provider Type	Code	Practitioner Modifier	Procedure Modifier	Rate
SUD Individual Peer Recovery Support	Peer recovery supporter	H0038	HM, HN, HO	-	\$15.51
SUD Group Peer Recovery Support	Peer recovery supporter	H0038	HM, HN, HO	HQ	\$1.94
Unit Value	15 minutes (Maximum 4 hours can be billed per day)				
Mental Health Peer Recovery Support					
Service	Provider Type	Code	Practitioner Modifier	Procedure Modifier	Rate
Assertive Community Treatment	Peer recovery supporter	H0040	HM	-	\$159.24
Unit Value	1 representing a per diem				

**Thrive's Organization and Billing Process**

23. Thrive has offices in Cleveland, Columbus, and Dayton, but operates throughout all Ohio. It is managed by Clinical Director Rhonda Hooks and CFO Brian Bailys. Thrive employs people in the following positions:

Job Title	Job Description and Requirements	Pay per Hr
Peer Recovery Supporter - Certified	A trained individual who has lived experience with addiction to alcohol and/or drugs who provides one-to-one strengths-based support to peers in recovery, empowering them to make healthier choices on a day-to-day basis. High School Diploma or GED equivalent & Certified Ohio Peer Recovery Coach (preferred).	\$14.00 to \$17.75
Peer Recovery Supporter - Certified - Hospital	A peer recovery supporter who is connected with individuals inside Emergency Departments immediately following an overdose. High School Diploma or GED equivalent & Certified Ohio Peer Recovery Coach-SUD.	\$16.00
Peer Recovery Supporter - Adult Care Facilities	A peer recovery supporter who is responsible for providing support and advocacy for peers in Adult Care Facilities. High School Diploma or GED equivalent. Certified Ohio Peer Supporter, or certification in progress.	\$16.00
Billing Specialist	An individual responsible for processing all health insurance claims for the company. They ensure correct billing codes and patient information in the Electronic Medical Record system, and prepare, review, and transmit claims using billing software to third party payers.	
Counselor - Community	An individual who provides a combination of peer support and psychological services to adults in the community. Services include comprehensive assessment and treatment of mental health conditions and substance use disorders. LPC/LSW, LISW/LPCC, or RN required.	\$50.00 to \$65.00
Area Relations Coordinator	An individual responsible for customer relation management and overall success of the programs in an area for Substance Abuse/Mental stability support. They must assist with the management and supervision of team leads within their area. Requires Ohio Peer Recovery Coach Certificate and State Certified Supervision Certificate.	Salary

24. From enrollment to billing, Thrive uses the following process: (i) an Ohio Medicaid beneficiary contacts or is referred to Thrive; (ii) a Thrive case manager conducts an initial assessment and assigns a peer recovery supporter; (iii) a peer recovery supporter contacts the Ohio Medicaid beneficiary to schedule peer support services; (iv) the peer recovery supporter performs peer support services for the Ohio Medicaid beneficiary; (v) the peer recovery supporter documents the service on a physical or electronic document the Ohio Medicaid beneficiary signs; (vi) the peer recovery supporter submits their time for the service



to a Thrive billing specialist using an electronic medical record system; and (vii) the billing specialist transmits the peer recovery supporter's claim under their NPI and Medicaid #.

**Thrive and Nicole Worthey's Fraudulent Scheme**

25. As a Peer Recovery Specialist Supervisor for Thrive, Nicole Worthey with Thrive management's knowledge regularly engaged in the following fraudulent practices:

- (a) Nicole Worthy supervised other peer recovery supporters without certification because she has not provided peer services for five years;
- (b) Nicole Worthy and her subordinate peer recovery supporters billed for services that are not considered peer recovery support services under OAC 5160-43-04(C)(1); and
- (c) Nicole Worthy and her subordinate peer recovery supporters billed for peer recovery support services not rendered.

26. Nicole Worthey states on her LinkedIn page that she is a "Certified Peer Recovery Specialist Supervisor" for Thrive. *Exhibit 1*. Based on Relator Meyer's knowledge and belief, Nicole Worthey manages 6 – 7 peer recovery supporters in the Northeast Ohio area. She became a certified peer recovery supporter on May 1, 2018. *Exhibit 2*. She completed the four hour in-person supervising peers training at OhioMHAS on May 3, 2018. *Exhibit 3*.

27. Nicole Worthey's LinkedIn education and work history show she is not a licensed social worker, counselor, therapist, psychologist, psychiatrist or an individual who has been delivering peer services for five years; therefore, she could not have been certified to supervise peers supporters. *Exhibit 1*.

28. OAC 5160-43-04(C)(3)(h) requires all peer recovery supporters to "be supervised by other senior peers or non-peer staff that have been certified to supervise peers." Thus, all

Nicole Worthy's subordinate peer recovery supporters are in violation of OAC 5160-43-04(C)(3)(h), and therefore, false claims.

29. In addition to falsely supervising other peer recovery supporters, Nicole Worthey engaged in other fraudulent practices which she teaches and imparts to her subordinate peer recovery supporters. Based on Relator Meyer's knowledge and belief, Nicole Worthey told her subordinates that their job was to be "glorified uber drivers."

30. When Relator Meyer used Nicole Worthey's "peer recovery support" services in a 5 month period from January 2019 to May 2019, Nicole Worthey would only drive Relator Meyer to see Relator Small at an assisted living facility where he was receiving rehabilitation treatment after heart surgery. These drives took 20 minutes at most per day. Whenever Relator Meyer asked Nicole Worthey for actual peer recovery support services, Nicole Worthey told her she was too busy to provide other peer recovery support services.

31. According to OAC 5160-43-04(C)(2), activities covered under other services are not payable peer recovery support services. Non-emergency transportation services in Summit County are covered by a statewide program for Medicaid recipients, administered by the County of Summit Department of Job and Family Services. Thus, non-emergency transportation services cannot be covered under the peer recovery support services. Further, simply driving individuals around for personal non-mental health or substance abuse related reasons, and not providing any follow-on peer recovery support services does not conform with any peer recovery support service listed in OAC 5160-43-04(C)(1).

32. Nicole Worthey's purported peer recovery support services are not covered by Ohio Medicaid peer recovery support program, so any of her billing for such services are

false claims. Further, Nicole Worthey's subordinates who engage in the same fraudulent practice under her direction also submitted false claims.

33. Despite Relator Meyer only seeing Nicole Worthey for at most 20 minutes day during their drives from January 2019 to May 2019, Nicole Worthey billed Ohio Medicaid 83 times for an average of 3.17 hours of peer recovery support services per bill. Thus, Nicole Worthey falsely billed Ohio Medicaid for 2 to 3 hours peer recovery support services per bill at least 83 times for peer recovery support services not rendered.

34. Once Relator Small left the assisted living facility, Relator Meyer no longer needed Nicole Worthey's "glorified uber services." For an approximately 8-month period from period June 2019 to February 2020, Relator Meyer only used Nicole Worthey's purported peer recovery support services three times. Despite this, Nicole Worthey billed Ohio Medicaid 124 times for peer recovery services during this period, so at least 121 of these billings are for peer recovery support services not rendered.

35. OAC 5160-43-04(C)(4) requires all peer recovery support providers to keep a record for each individual served that must contain documentation of each service interaction including the duration peer recovery support was provided. Nicole Worthey only had Relator Meyer initial one document to prove a service was rendered and would then forge the remaining documentation.

36. Nicole Worthey's billing for peer recovery support services not rendered are false claims. Further, Nicole Worthey's subordinates who engage in the same fraudulent practice under her direction also are submitting false claims.

**Representative Examples of Thrive and Nicole Worthy's Fraudulent Scheme**

37. In February 2020, Relator Small discovered Nicole Worthy was billing Relator Meyer for peer recovery support services not rendered from June 2019 to February 2020 when reviewing Relator Meyer's United Healthcare Community Plan online profile.

38. Upon Relator Meyer's information and belief, all of the following claims billed by Nicole Worthy for peer recovery support services rendered to Relator Meyer from January 2019 to February 2020 are false claims because Nicole Worthy either (a) did not render a Ohio Medicaid covered peer support service, (b) overbilled the time actually taken to perform the peer support service, or (c) did not render any peer support service on that date:

Date	Claim Number	Amount Billed	Amount Covered	Hours
1/27/2019	19B469692600	\$248.16	\$248.16	4.00
1/28/2019	19E328426900	\$124.08	\$0.00	2.00
1/29/2019	19B943474600	\$108.57	\$108.57	1.75
1/29/2019	19B944922400	\$139.59	\$139.59	2.25
1/30/2019	19E328428800	\$124.08	\$0.00	2.00
1/31/2019	19B466393800	\$186.12	\$186.12	3.00
2/1/2019	19B943656700	\$31.02	\$31.02	0.50
2/1/2019	19B943657400	\$46.53	\$46.53	0.75
2/2/2019	19B469910400	\$77.55	\$77.55	1.25
2/3/2019	19B469444100	\$248.16	\$248.16	4.00
2/4/2019	19B792030100	\$186.12	\$186.12	3.00
2/5/2019	19B793636700	\$248.16	\$248.16	4.00
2/6/2019	19B943661900	\$62.04	\$62.04	1.00
2/6/2019	19B945859100	\$186.12	\$186.12	3.00
2/7/2019	19B793637500	\$248.16	\$248.16	4.00
2/10/2019	19B793635700	\$248.16	\$248.16	4.00
2/11/2019	19B945987900	\$186.12	\$186.12	3.00
2/12/2019	19B945986200	\$201.63	\$201.63	3.25
2/15/2019	19B948845400	\$248.16	\$248.16	4.00
2/17/2019	19B945987000	\$248.16	\$248.16	4.00
2/23/2019	19D836128000	\$155.10	\$155.10	2.50
2/24/2019	19C439808800	\$186.12	\$186.12	3.00
2/25/2019	19C437363900	\$31.02	\$31.02	0.50
2/26/2019	19C439813300	\$186.12	\$186.12	3.00
3/3/2019	19C737494800	\$248.16	\$248.16	4.00
3/5/2019	19C737496300	\$170.61	\$170.61	2.75

3/6/2019	19C736498700	\$77.55	\$77.55	1.25
3/7/2019	19C737495200	\$232.65	\$232.65	3.75
3/8/2019	19D111920400	\$108.57	\$108.57	1.75
3/9/2019	19D113254700	\$77.55	\$77.55	1.25
3/10/2019	19D113256500	\$186.12	\$186.12	3.00
3/10/2019	19D115736100	\$31.02	\$31.02	0.50
3/11/2019	19D111185300	\$232.65	\$232.65	3.75
3/12/2019	19D115745900	\$186.12	\$186.12	3.00
3/13/2019	19D115747600	\$201.63	\$201.63	3.25
3/17/2019	19D222802700	\$170.61	\$170.61	2.75
3/18/2019	19D222804400	\$186.12	\$186.12	3.00
3/19/2019	19D222981500	\$93.06	\$93.06	1.50
3/20/2019	19D220798100	\$77.55	\$77.55	1.25
3/22/2019	19D321913900	\$93.06	\$93.06	1.50
3/23/2019	19D323447100	\$201.63	\$201.63	3.25
3/24/2019	19D318348200	\$248.16	\$248.16	4.00
3/27/2019	19D597608500	\$248.16	\$248.16	4.00
3/30/2019	19D941806800	\$248.16	\$248.16	4.00
3/31/2019	19D941808600	\$248.16	\$248.16	4.00
4/2/2019	19D936454900	\$248.16	\$248.16	4.00
4/3/2019	19D936452200	\$248.16	\$248.16	4.00
4/4/2019	19D939206000	\$31.02	\$31.02	0.50
4/5/2019	19D941809700	\$248.16	\$248.16	4.00
4/7/2019	19E273743200	\$248.16	\$248.16	4.00
4/8/2019	19E269049400	\$248.16	\$248.16	4.00
4/10/2019	19E230573800	\$77.55	\$77.55	1.25
4/11/2019	19E230306700	\$248.16	\$248.16	4.00
4/13/2019	19E411775200	\$248.16	\$248.16	4.00
4/14/2019	19E411777200	\$186.12	\$186.12	3.00
4/15/2019	19E411236300	\$186.12	\$186.12	3.00
4/16/2019	19E667164500	\$248.16	\$248.16	4.00
4/17/2019	19E411779100	\$248.16	\$248.16	4.00
4/22/2019	19H014350300	\$248.16	\$248.16	4.00
4/23/2019	19E929961400	\$248.16	\$248.16	4.00
4/26/2019	19E929959600	\$248.16	\$248.16	4.00
4/27/2019	19E929962700	\$248.16	\$248.16	4.00
4/28/2019	19E929964400	\$248.16	\$248.16	4.00
4/29/2019	19E930087500	\$139.59	\$139.59	2.25
5/2/2019	19E929966300	\$248.16	\$248.16	4.00
5/5/2019	19F585225800	\$248.16	\$248.16	4.00
5/7/2019	19F313603500	\$248.16	\$248.16	4.00
5/8/2019	19F313601900	\$248.16	\$248.16	4.00
5/9/2019	19F313608600	\$248.16	\$248.16	4.00
5/11/2019	19F584711600	\$248.16	\$248.16	4.00
5/12/2019	19F585226500	\$248.16	\$248.16	4.00
5/15/2019	19F585226900	\$248.16	\$248.16	4.00
5/16/2019	19F585227300	\$248.16	\$248.16	4.00
5/17/2019	19F584713200	\$248.16	\$248.16	4.00

5/18/2019	19G051237300	\$248.16	\$248.16	4.00
5/19/2019	19G051239400	\$248.16	\$248.16	4.00
5/20/2019	19F585227900	\$248.16	\$248.16	4.00
5/21/2019	19G051222300	\$248.16	\$248.16	4.00
5/24/2019	19G051241600	\$248.16	\$248.16	4.00
5/25/2019	19G048516000	\$232.65	\$232.65	3.75
5/28/2019	19G051223800	\$248.16	\$248.16	4.00
5/30/2019	19G048508100	\$248.16	\$248.16	4.00
5/31/2019	19G048984400	\$248.16	\$248.16	4.00
6/2/2019	19G433907900	\$248.16	\$248.16	4.00
6/4/2019	19G431490500	\$248.16	\$248.16	4.00
6/5/2019	19G433910800	\$248.16	\$248.16	4.00
6/6/2019	19G431492200	\$248.16	\$248.16	4.00
6/7/2019	19G694883800	\$186.12	\$186.12	3.00
6/8/2019	19G695050600	\$248.16	\$248.16	4.00
6/10/2019	19G695054100	\$201.63	\$201.63	3.25
6/13/2019	19G695052300	\$201.63	\$201.63	3.25
6/14/2019	19G694885700	\$248.16	\$248.16	4.00
6/15/2019	19G904051800	\$108.57	\$108.57	1.75
6/16/2019	19G906890200	\$248.16	\$248.16	4.00
6/22/2019	19G906891400	\$217.14	\$217.14	3.50
6/26/2019	19H269613100	\$248.16	\$248.16	4.00
6/27/2019	19H271969700	\$248.16	\$248.16	4.00
6/29/2019	19H512719000	\$124.08	\$124.08	2.00
6/30/2019	19H514521000	\$248.16	\$248.16	4.00
7/2/2019	19H515930300	\$248.16	\$248.16	4.00
7/3/2019	19H514522400	\$170.61	\$170.61	2.75
7/8/2019	19H868481800	\$139.59	\$139.59	2.25
7/11/2019	19H871750100	\$248.16	\$248.16	4.00
7/12/2019	19H871439800	\$248.16	\$248.16	4.00
7/13/2019	19H871752600	\$248.16	\$248.16	4.00
7/15/2019	19H871754000	\$248.16	\$248.16	4.00
7/18/2019	19I455049500	\$248.16	\$248.16	4.00
7/21/2019	19I455051000	\$248.16	\$248.16	4.00
7/23/2019	19I453998000	\$248.16	\$248.16	4.00
7/24/2019	19I453999600	\$248.16	\$248.16	4.00
7/28/2019	19I694941600	\$248.16	\$248.16	4.00
7/29/2019	19I453982200	\$248.16	\$248.16	4.00
8/1/2019	19I455041400	\$248.16	\$248.16	4.00
8/3/2019	19I455039900	\$248.16	\$248.16	4.00
8/4/2019	19I455037900	\$248.16	\$248.16	4.00
8/7/2019	19I694944600	\$248.16	\$248.16	4.00
8/9/2019	19I694946300	\$186.12	\$186.12	3.00
8/10/2019	19I695188300	\$248.16	\$248.16	4.00
8/15/2019	19J061005200	\$248.16	\$248.16	4.00
8/19/2019	19J061006900	\$248.16	\$248.16	4.00
8/21/2019	19J061003400	\$248.16	\$248.16	4.00
8/22/2019	19J061008700	\$248.16	\$248.16	4.00

8/23/2019	19J164415200	\$248.16	\$248.16	4.00
8/25/2019	19J581221000	\$248.16	\$248.16	4.00
8/30/2019	19J581209900	\$186.12	\$186.12	3.00
9/2/2019	19J581223900	\$201.63	\$201.63	3.25
9/3/2019	19J581213900	\$248.16	\$248.16	4.00
9/4/2019	19J688700500	\$248.16	\$248.16	4.00
9/8/2019	19J688702100	\$248.16	\$248.16	4.00
9/10/2019	19J688703800	\$248.16	\$248.16	4.00
9/11/2019	19K060424200	\$248.16	\$248.16	4.00
9/14/2019	19K316330200	\$201.63	\$201.63	3.25
9/15/2019	19K316331900	\$248.16	\$248.16	4.00
9/19/2019	19K316333700	\$232.65	\$232.65	3.75
9/26/2019	19K421867300	\$248.16	\$248.16	4.00
9/29/2019	19K632870200	\$248.16	\$248.16	4.00
9/30/2019	19K632874900	\$248.16	\$248.16	4.00
10/1/2019	19K632868400	\$248.16	\$248.16	4.00
10/2/2019	19K632871500	\$248.16	\$248.16	4.00
10/3/2019	19K632873300	\$248.16	\$248.16	4.00
10/4/2019	19K634727700	\$93.06	\$93.06	1.50
10/6/2019	19L182045800	\$248.16	\$248.16	4.00
10/7/2019	19L182047500	\$248.16	\$248.16	4.00
10/13/2019	19K979702600	\$248.16	\$248.16	4.00
10/14/2019	19K979727100	\$248.16	\$248.16	4.00
10/15/2019	19L175829300	\$139.59	\$139.59	2.25
10/17/2019	19L182049100	\$232.65	\$232.65	3.75
10/21/2019	19L690818500	\$201.63	\$201.63	3.25
10/22/2019	20A936387500	\$248.16	\$248.16	4.00
10/23/2019	19L690812000	\$248.16	\$248.16	4.00
10/27/2019	19L690816400	\$248.16	\$248.16	4.00
10/28/2019	19L690814100	\$248.16	\$248.16	4.00
10/30/2019	19L690829800	\$248.16	\$248.16	4.00
10/31/2019	19L690825600	\$248.16	\$248.16	4.00
11/1/2019	19L690827301	\$248.16	\$248.16	4.00
11/4/2019	19M125972000	\$248.16	\$248.16	4.00
11/5/2019	19M136790100	\$248.16	\$248.16	4.00
11/6/2019	19M123527100	\$248.16	\$248.16	4.00
11/7/2019	19M136791300	\$248.16	\$248.16	4.00
11/9/2019	19M125903500	\$248.16	\$248.16	4.00
11/10/2019	19M125973600	\$248.16	\$248.16	4.00
11/11/2019	19M123455600	\$248.16	\$248.16	4.00
11/12/2019	19M125976500	\$217.14	\$217.14	3.50
11/14/2019	19M125978400	\$248.16	\$248.16	4.00
11/15/2019	19M125975000	\$248.16	\$248.16	4.00
11/17/2019	19M125980200	\$248.16	\$248.16	4.00
11/18/2019	19M318761700	\$248.16	\$248.16	4.00
11/19/2019	19M590403200	\$248.16	\$248.16	4.00
11/20/2019	19M590408600	\$248.16	\$248.16	4.00
11/22/2019	19M590392500	\$232.65	\$232.65	3.75



11/24/2019	19M590406500	\$248.16	\$248.16	4.00
11/26/2019	19M590390700	\$248.16	\$248.16	4.00
11/27/2019	19M590404800	\$248.16	\$248.16	4.00
11/28/2019	19M590394100	\$248.16	\$248.16	4.00
11/29/2019	19M590395900	\$248.16	\$248.16	4.00
12/1/2019	19M992357800	\$248.16	\$248.16	4.00
12/2/2019	19M992359600	\$248.16	\$248.16	4.00
12/3/2019	19M992361400	\$217.14	\$217.14	3.50
12/5/2019	19M992364400	\$170.61	\$170.61	2.75
12/8/2019	19M992370300	\$217.14	\$217.14	3.50
12/9/2019	19M992362800	\$248.16	\$248.16	4.00
12/10/2019	19N164154400	\$201.63	\$201.63	3.25
12/12/2019	19N164152400	\$248.16	\$248.16	4.00
12/13/2019	19N164153400	\$248.16	\$248.16	4.00
12/15/2019	20A166212100	\$248.16	\$248.16	4.00
12/18/2019	20A166213600	\$201.63	\$201.63	3.25
12/19/2019	20A166220400	\$248.16	\$248.16	4.00
12/20/2019	20A166215300	\$248.16	\$248.16	4.00
12/22/2019	20A166216800	\$248.16	\$248.16	4.00
12/24/2019	20A166218600	\$248.16	\$248.16	4.00
12/25/2019	20A168602400	\$139.59	\$139.59	2.25
12/26/2019	20A166210600	\$248.16	\$248.16	4.00
12/30/2019	20A418088900	\$248.16	\$248.16	4.00
12/31/2019	20A418092900	\$248.16	\$248.16	4.00
1/1/2020	20A418095100	\$248.16	\$248.16	4.00
1/2/2020	20A418097400	\$155.10	\$155.10	2.50
1/3/2020	20A418099200	\$248.16	\$248.16	4.00
1/6/2020	20A418087300	\$248.16	\$248.16	4.00
1/7/2020	20A443203500	\$248.16	\$248.16	4.00
1/8/2020	20A443200100	\$248.16	\$248.16	4.00
1/9/2020	20A443201600	\$248.16	\$248.16	4.00
1/10/2020	20A443205200	\$248.16	\$248.16	4.00
1/17/2020	20A683117700	\$263.67	\$248.16	4.25
1/20/2020	20A938652300	\$93.06	\$93.06	1.50
1/23/2020	20A936389300	\$248.16	\$248.16	4.00
1/27/2020	20B332354000	\$201.63	\$201.63	3.25
1/30/2020	20B332350700	\$201.63	\$201.63	3.25
2/3/2020	20B467021600	\$139.59	\$139.59	2.25
Total Amount Covered		\$45,056.55		
** See Exhibit 4 for United Healthcare Community Plan online profile screenshots of each false claim **				

39. Ohio Medicaid through United Healthcare paid \$45,056.55 for Nicole Worthey's false billings for peer support recovery services, which were either not covered or not rendered. These examples are representative of Nicole Worthey and her subordinate's false



billings for peer support recovery services not covered or rendered to other Ohio Medicaid beneficiaries.

**Thrive and Nicole Worthey's Knowledge of Fraudulent Scheme**

40. Thrive and Nicole Worthey knowingly submitted false billings to Ohio Medicaid for peer recovery support services that were either (a) supervised by an uncertified supervisor, (b) not covered by Ohio Medicaid, or (c) not rendered at all.

41. Thrive's management promoted Nicole Worthey to a supervisor position, despite her lack of certification and requisite work experience.

42. Nicole Worthey knew her billings for Relator Meyer were false. Soon after Relator Small discovered the false billings, he confronted Nicole Worthey about them over the phone. In response, Nicole Worthey first attempted to pay the Relators to not report the matter. Relators refused. Nicole Worthey then had her boyfriend call the Relators to threaten them not to report the matter.

43. Nicole Worthey told Relator Small she informed Thrive's management about her fraudulent billing of Relator Meyer's claims, but Thrive's management failed to stop it or report it. Further, Thrive's management incentivized Nicole Worthey and her subordinate peer recovery supporter's fraudulent practices by providing bonuses tied to how much they billed.

44. After Nicole Worthey's attempts to silence the Relators failed, she filed a restraining order against the Relators. The court imposed a mutual restraining order per agreement of the parties. Nicole Worthey's efforts to stop the Relators from reporting her fraudulent activity shows she had knowledge of it.

**COUNT I: FALSE CLAIMS ACT VIOLATIONS**

**BILLING FOR FALSELY SUPERVISED SERVICES**

45. The allegations in the preceding paragraphs are incorporated by reference.

46. Respondents knowingly presented or caused to be presented numerous false claims for payment or approval to the United States in violation of 31 U.S.C. § 3729.

47. Each of the Medicaid claim submitted by a Thrive peer recovery supporter supervised by Nicole Worthey constitutes a “false claim” within the meaning of 31 U.S.C. § 3729, regardless of whether the claim was ultimately paid by the United States, because Nicole Worthey lacked the requisite work experience to be a certified peer recovery support supervisor.

48. In submitting or causing to be submitted Medicaid claims as set forth above, Respondents acted “knowingly,” as that term is defined in 31 U.S.C. § 3729, in that they acted in at least deliberate ignorance or in reckless disregard of the truth or falsity of the information submitted in connection with the claims.

49. As a result of Respondents’ violations of 31 U.S.C. § 3729, the United States has suffered damages in an amount to be determined at trial.

WHEREFORE, Relators, on behalf of herself and the United States, prays:

- (a) That the Court enter judgment against Respondents in an amount equal to three times the amount of damages the United States has sustained because of Respondents’ actions, plus a civil penalty of between \$10,781 and \$21,563 for each violation of 31 U.S.C. § 3729;
- (b) That Relator be awarded the maximum amount allowed under §3730(d) of the False Claims Act and the False Claims Act;
- (c) That Relator be awarded all costs and expenses incurred, including reasonable attorneys’ fees; and
- (d) That the Court order such other relief as is appropriate.

**COUNT II: FALSE CLAIMS ACT VIOLATIONS**

**BILLING FOR NON-COVERED SERVICES**

50. The allegations in the preceding paragraphs are incorporated by reference.

51. Respondents knowingly presented or caused to be presented numerous false claims for payment or approval to the United States in violation of 31 U.S.C. § 3729.

52. Each of the Medicaid claims submitted by Nicole Worthey or a Thrive peer recovery supporter for transportation services unrelated to mental health or substance abuse constitutes a “false claim” within the meaning of 31 U.S.C. § 3729, regardless of whether the claim was ultimately paid by the United States, because such services are not covered by Ohio Medicaid as peer recovery support services.

53. In submitting or causing to be submitted Medicaid claims as set forth above, Respondents acted “knowingly,” as that term is defined in 31 U.S.C. § 3729, in that they acted in at least deliberate ignorance or in reckless disregard of the truth or falsity of the information submitted in connection with the claims.

54. As a result of Respondents’ violations of 31 U.S.C. § 3729, the United States has suffered damages in an amount to be determined at trial.

WHEREFORE, Relators, on behalf of herself and the United States, prays:

- (e) That the Court enter judgment against Respondents in an amount equal to three times the amount of damages the United States has sustained because of Respondents’ actions, plus a civil penalty of between \$10,781 and \$21,563 for each violation of 31 U.S.C. § 3729;
- (f) That Relator be awarded the maximum amount allowed under §3730(d) of the False Claims Act and the False Claims Act;
- (g) That Relator be awarded all costs and expenses incurred, including reasonable attorneys’ fees; and
- (d) That the Court order such other relief as is appropriate.

**COUNT III: FALSE CLAIMS ACT VIOLATIONS**

**BILLING FOR NON-RENDERED SERVICES**

55. The allegations in the preceding paragraphs are incorporated by reference.

56. Respondents knowingly presented or caused to be presented numerous false claims for payment or approval to the United States in violation of 31 U.S.C. § 3729.

57. Each of the Medicaid claims submitted by Nicole Worthey or a Thrive peer recovery supporter for peer recovery support services not rendered constitutes a “false claim” within the meaning of 31 U.S.C. § 3729, regardless of whether the claim was ultimately paid by the United States.

58. In submitting or causing to be submitted Medicaid claims as set forth above, Respondents acted “knowingly,” as that term is defined in 31 U.S.C. § 3729, in that it acted in at least deliberate ignorance or in reckless disregard of the truth or falsity of the information submitted in connection with the claims.

59. As a result of Respondents’ violations of 31 U.S.C. § 3729, the United States has suffered damages in an amount to be determined at trial.

WHEREFORE, Relators, on behalf of herself and the United States, prays:

- (h) That the Court enter judgment against Respondents in an amount equal to three times the amount of damages the United States has sustained because of Respondents’ actions, plus a civil penalty of between \$10,781 and \$21,563 for each violation of 31 U.S.C. § 3729;
- (i) That Relator be awarded the maximum amount allowed under §3730(d) of the False Claims Act and the False Claims Act;
- (j) That Relator be awarded all costs and expenses incurred, including reasonable attorneys’ fees; and
- (d) That the Court order such other relief as is appropriate.

Respectfully submitted,

/s/ Warner Mendenhall

WARNER MENDENHALL, 0070165  
LOGAN TROMBLEY, 0096858  
Law Offices of Warner Mendenhall, Inc.  
190 N. Union St., Ste. 201  
Akron, OH 44304  
(330) 535-9160; fax (330) 762-9743  
warner@warnermendenhall.com  
logan@warnermendenhall.com

*Attorneys for Relators*

**JURY DEMAND**

Relators hereby demand a trial by Jury pursuant to R. 38 of the Federal Rules of Civil Procedure.

/s/ Warner Mendenhall

WARNER MENDENHALL, 0070165  
*Attorney for Relators*